

Application No.10/573,835

Docket No.: R2184.0489/P489

REMARKS

Claims 2, 4, 17, 33, 34, 37, 38, 41 and 42 have been amended. Claims 31, 32, 35, 36, 39 and 40 have been canceled, without prejudice. The application as amended contains claims 1-30, 33, 34, 37, 38, 41 and 42. Applicant reserves the right to pursue the original claims and other claims in this and other applications.

The application as amended contains eight independent claims. **Please charge the applicable fee (\$660.00) for three additional independent claims, and any additional fees due in connection with this paper, to Deposit Account 04-1073.**

The Examiner's attention is directed to the Petition to Make Special which was filed on March 29, 2006.

The drawings are objected to as being informal. Reconsideration is respectfully requested. The drawings have been amended to obviate the objection. Figs. 1 and 2 have been labeled "prior art." The application as amended is believed to be in proper form.

Claims 1-10, 13, 15-25, 28 and 30 are rejected under 35 U.S.C. § 102 as being anticipated by Sasaki. Reconsideration is respectfully requested. Claim 1 recites the step of "formatting [a] data area of [a] second recording layer in a series of recording increments," and the claim says that, "within each . . . increment the formatting is performed along a path extending from the outer side of the data area . . . to the inner side of the data area." Sasaki fails to disclose or suggest this important aspect of the claimed invention.

The Office Action attempts to read claim 1 on a combination of elements shown in Figs. 2C, 3A and 9A of Sasaki. Please note, however, that Sasaki does not disclose any such combination. Figs. 2C and 3A refer to different (separate) devices – a conventional read-only DVD

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in Fig. 2C and a rewritable DVD-RW in Fig. 3A (column 6, lines 53-59). Sasaki does not disclose or suggest a method that meets all of the limitations of claim 1 in the recited combination. Therefore, the rejection of claim 1 should be withdrawn.

Moreover, the Office Action is not understood to the extent it refers to "the second recording layer 1" on page 3, but also refers to "the first recording layer 1" on page 4. The Office Action appears to have mixed-up the first and second layers of claim 1 in attempting to read the claim on Sasaki; indeed claim 1 is not readable on the prior art.

Claims 2-30 depend from claim 1, or recite limitations similar to those discussed above in connection with claim 1, and should be allowable along with claim 1 and for other reasons. The allowance of claims 11, 12, 14, 26, 27, 29, 33, 34, 37, 38, 41 and 42 is gratefully acknowledged. Allowance of the application, as amended, with claims 1-30, 33, 34, 37, 38, 41 and 42, is solicited.

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Respectfully submitted,

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